



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TJR
Docket No: 5316-99
15 February 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 1 February 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Marine Corps on 12 December 1977 at the age of 18. Your record reflects that you served for approximately two years and five months without incident but on 29 May 1980 you received nonjudicial punishment (NJP) for disrespect, disobedience, and disorderly conduct. The punishment imposed was forfeitures totalling \$100, restriction and extra duty for seven days. On 20 October 1980 you received NJP for two periods of absence from your appointed place of duty. The punishment imposed was forfeitures totalling \$50.

Your record further reflects that on 29 January 1981 you were convicted by summary court-martial (SCM) of three incidents of assault and sentenced to confinement at hard labor for three months, reduction to paygrade E-1, and forfeitures totalling \$300.

On 1 May 1981, upon completion of your required active service, you were transferred under honorable conditions to the Marine Corps Reserve. Subsequently, you were issued a general discharge.

Character of service is based, in part, on conduct and proficiency averages which are computed from marks assigned during periodic evaluations. At the time of discharge your conduct average was 3.7. However, an average of 4.0 was required for a fully honorable discharge.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that you would like your discharge upgraded. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the serious nature of your misconduct and since your conduct average was insufficiently high to warrant an honorable discharge. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director